

**ZONING BOARD OF APPEALS
AND PUBLIC HEARING MINUTES**

July 14, 2015
Council Chambers

Chairman Bosanac called the meeting to order at 7:00 p.m.

Call to Order.

Chairman Bosanac called the meeting to order and advised appellants that the Zoning Board of Appeals is a nine member board and tonight there are eight members present. The board consists of seven citizens at large, one council person and a representative from the Monroe Citizens Planning Commission. If an appellant would like to wait until there is a full complement of the board, the hearing can be postponed until the next scheduled meeting of the Board.

Appellant wished to proceed.

1. Roll Call:

Present: Commissioner Bill Kipf
Commissioner George O'Dell
Chairman Michael Bosanac
Commissioner Bettie Dickerson
Commissioner Ken Miller
Commissioner Sandra May
Commissioner David Smith
Councilman Jeffery Hensley

Excused: Commissioner Susan Iott

Absent: Commissioner Brian Beneteau

Guests: Paul Schleicher, Jay Dainty, Robert Clark, Dan Swallow, Dave Chadwell, Terry Bensley

Staff: Matt Wallace, City Planner
Denise Palmer, Department Aid
Keith Woodcock, Building Official / Zoning Administrator

2. Pledge of Allegiance

Chairman Bosanac led the pledge.

3. Minutes & Agenda

A motion was made by Commissioner Kipf
To approve tonight's agenda and minutes of the June 09, 2015 meeting.

Support by Commissioner May.

Motion carried unanimously. (8 to 0).

4. New Business

Case #ZBA 15-003– 1560 East Elm Avenue – Assessor’s Parcel #59-01895-002.

Request from Raisin Riverfront Marina, LLC to install a six foot (6') tall fence in the front yard of the parcel at 1560 East Elm Avenue. The City of Monroe Zoning Ordinance prohibits fences taller than four (4') feet in a property's front yard. A variance would be required to allow the construction of a fence in the front yard taller than four (4') feet.

Staff Report

The staff analysis as well as an Addendum was read into the record by Mr. Wallace.

Applicant Comments

Jay Dainty and Paul Schleicher discussed the issue of not having a fence. Without a fence there is no security for their current boaters and potential boaters.

Public Hearing

Chairman Bosanac opened the public hearing.

David Chadwell, Lake Erie Fence, discussed the piece of property owned by the State of Michigan. The gate proposed for access to the State of Michigan parcel in question.

With no one else wishing to speak Chairman Bosanac closed the public hearing.

Board Discussion

Councilman Hensley questioned how the appellant was going to handle the issue of the State of Michigan property.

Discussion was held.

Councilman Hensley asked if the applicant would have an issue postponing this hearing until the issues with the State of Michigan could be resolved, as well as the issues with the type of fencing.

Mr. Schleicher discussed the issues of improvement to the property to draw potential customers. All requests from the City were met. Delaying improvements further will hurt their business.

Chairman Bosanac asked the City Building Official's opinion.

Keith Woodcock, Building Official explained the issues and the reasons for a survey, hoping a survey would identify the owner of the easement. It did not. Mr. Swallow, Community Development Director and Sam Guich, City Assessor

looked deeper into old records and found out on Monday it was owned by the owner was or whether it was still a legal easement. With the property being on the corridor to the Battlefield the fence should be of an ornamental nature, the Building Department would not object to a six (6') foot fence.

Commissioner Smith discussed other properties along the river typically have six (6') foot chain link fence. Commissioner Smith is hoping this can be settled tonight and requirements made to allow the work to continue.

Chairman Bosanac questioned if there were any other alternatives in fencing for security, such as lighting or anything of that nature to curtail vandalism.

Jay Dainty discussed the alternatives they have if this does not pass.

Commissioner Kipf understands the logic and need for security. He has concerns with the State of Michigan Easement; the board cannot give permission to fence that off. Commissioner Kipf discussed the other fences along the river, the shape they are in, vegetation growing through and around them.

Commissioner May stated they were going to put in a gate for access.

Discussion was held on fencing off property you do not own.

Chairman Bosanac is a little concerned with that being a main corridor coming into the City off I-75. The development of the River Raisin Heritage Corridor, all the activity that will be coming and going through the area, if something could be done to beautify the area. The difficulty for the board to make a decision on a parcel that does not belong to the appellant.

David Chadwell asked the board if a six foot high black vinyl coated cyclone fence would be something they would approve.

Discussion was held.

Commissioner O'Dell's biggest concern is what is defined as ornamental.

Mr. Woodcock read the definition from the Zoning Ordinance. Pursuant to the Zoning Ordinance the definition of fence, decorative, an artificially constructed structure of definite height and location constructed of wrought iron, brick, masonry, stone or other nontraditional materials. Solid masonry walls are considered to be a wall not a decorative fence.

Discussion was held.

Commission Action

A motion was made by Councilman Hensley, too delay this until the next month meeting, to give the city staff and the applicant time to work out the details, and come to an understanding and work out the issues. Support by Commissioner Miller.

Chairman Bosanac called for the vote.

Motion carried unanimously. (8 to 0).

Old Business

Mr. Woodcock asked the Board in regards to the decision of the June ZBA case. The Building Department needs verification based on the minutes that were took, The appellant is moving forward without getting the appropriate approvals from The Building Department. Did the board give him that okay? The Board gave The appellant approval based on the stipulations per the letter sent.

Communications

The Planning Zoning Meeting coming up on July 22, 2015. All members have been notified and RSVP has been made for all wishing to attend.

Public Comment

None

Board Comments

Discussion on the late issues that arose concerning the case.
Discussion on concerns about fencing requirements and the definition.

Adjournment

With no one else wishing to comment Chairman Bosanac asked for a motion to adjourn.

Motion to adjourn by Commissioner Miller, Support by Commissioner Beneteau.

Motion carried unanimously. (8 to 0).

The meeting was adjourned at 8:00 P.M.